

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.10-10173-RWZ

STEPHANIE M. CACERES

v.

DONALD H. JACKSON, JR.

ORDER

September 7, 2012

ZOBEL, D.J.

A default having been entered against pro se plaintiff and counterclaim defendant Stephanie Caceres, the matter is before me for the assessment of damages to be awarded to pro se plaintiff-in-counterclaim, Donald Jackson. Jackson seeks costs in the amount of \$291.57 for mileage, postage, and parking fees, as well as over \$10,000 which he estimates is the value of his time spent defending plaintiff's claim and prosecuting his counterclaim.

First, a pro se non-lawyer litigant is not normally entitled to recover damages for time spent in defending or prosecuting a civil case. To the extent Jackson, a former lawyer, is effectively requesting attorney's fees, he is not entitled thereto because he is acting pro se. See Marcello v. Maine, 238 F.R.D. 113, 117 (D. Maine 2006) ("An award of attorney's fees. . . has long been unavailable to pro se litigants in the First Circuit.") (citing cases).

Judgment may be entered for defendant Jackson on the complaint for failure to

prosecute. On the counterclaim, judgment may be entered for plaintiff-in-counterclaim Jackson in the amount of \$291.57.

September 7, 2012

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE